

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**December 4, 2008**

DIVISION ONE

B200145     Terry Robinson et al.            (Certified for Publication)  
                 v.  
                 Aaron Woods et al.

The judgment is reversed. Plaintiffs are entitled to costs on appeal.

Mallano, P.J.

We concur:   Rothschild, J.  
                 Weisberg, J. (Assigned)

B200018     People    (Not for Publication)  
                 v.  
                 Willie Ware

The judgment is affirmed.

Rothschild, J.

We concur:   Mallano, P.J.  
                 Weisberg, J. (Assigned)

B204406     Los Angeles County, D.C F.S.        (Not for Publication)  
                 v.  
                 R.E.

The judgment is affirmed.

Weisberg, J. (Assigned)

We concur:   Mallano, P.J.  
                 Rothschild, J.

DIVISION ONE (continued)

B199981      Thomas E. Patrick                      (Not for Publication)  
                 v.  
                 Michael P. Rubin et al.

The trial court's order sustaining Rubin's demurrer to Patrick's complaint is affirmed. The denial of leave to amend is reversed, and the case is remanded for Patrick to file an amended complaint. Each party to bear his own costs on appeal.

Weisberg, J. (Assigned)

We concur:   Mallano, P.J.  
                 Rothschild, J.

B200334      Goldic Technology, Inc.                      (Not for Publication)  
                 v.  
                 Maxmile Corporation et al.

The judgment is affirmed. Respondent(s) to recover costs.

Weisberg, J. (Assigned)

We concur:   Mallano, P.J.  
                 Rothschild, J.

B208262      People    (Not for Publication)  
                 v.  
                 Lynex

The order is affirmed.

Rothschild, J.

We concur:   Mallano, P.J.  
                 Weisberg, J. (Assigned)

December 4, 2008 (Continued)

## DIVISION ONE (continued)

B206064 People (Not for Publication)  
v.  
Sotha Hok

The appeal is dismissed.

Weisberg, J. (Assigned)

We concur:   Mallano, P.J.  
                      Rothschild, J.

DIVISION TWO

[illegible]

The trial court's order denying defendant's motion to suppress evidence and the judgment are affirmed.

Chavez, J.

I concur: Doi Todd, Acting P.J.  
I dissent: Ashmann-Gerst, J. (Opinion)

## DIVISION THREE

B186725 Aerospace Dynamics International, Inc. (Not for Publication)  
v.  
Frize Corporation, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Aldrich, J.

We concur: Klein, P.J.  
Kitching, J.

### DIVISION THREE (continued)

B206377 People (Not for Publication)  
v.  
Tyrone Armstrong

The judgment is affirmed. The trial court is directed to correct the abstract of judgment to conform to the oral pronouncement of judgment, including the assessments and fees imposed. A certified copy of the corrected abstract of judgment is then to be forwarded to the Department of Corrections.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B208427 People (Certified for Publication)  
v.  
Garabet Tokhmanian

The judgment of the trial court granting Tokhmanian's petition for writ of habeas corpus is reversed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B206035      Los Angeles County, D.C F.S.      (Not for Publication)  
v.  
C.M.

The order from which Maternal Grandmother has appealed is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

DIVISION THREE (continued)

B194209      Louie Hung Kwei Lu  
                  v.  
                  Hawaiian Gardens Casino Inc.

The submission order of September 25, 2008, is vacated due to continuing consideration of relevant issues in a similar pending case. Cause resubmitted.

DIVISION FOUR

B198726      People  
                  v.  
                  Mitchell

Filed order denying petition for rehearing.

B203085      Callil  
                  v.  
                  California Physicians' Service DBA Blue Shield of California

Filed order denying petition for rehearing.

DIVISION FIVE

B204524      Artour Hagopian et al      (Not for Publication)  
                  v.  
                  Raymond Barron et al

The judgment is modified to (1) enter judgment in favor of defendants on the cause of action for promissory estoppel and restitution; and (2) order Arrow to stop payment on the \$25,000 check, dated April 17, 2006, and to issue a new check to Artour Hagopian in the amount of \$25,000. Defendants awarded their costs on appeal.

Kriegler, J.

I concur:      Armstrong, Acting P.J.

I concur:      Mosk, J (opinion)

DIVISION FIVE (continued)

B205630      Burns Pacific Construction      (Not for Publication)  
                 v.  
                 Modern Alloys

The judgment is affirmed. Respondent(s) to recover costs.

Kriegler, J.

We concur:    Armstrong, Acting P.J.  
                 Mosk, J.

B200975      People      (Not for Publication)  
                 v.  
                 Michael Smith

The judgment is affirmed.

Kriegler, J.

We concur:    Armstrong, Acting P.J.  
                 Mosk, J.

B207771      Los Angeles County, D.C.F S.      (Not for Publication)  
                 v.  
                 L.C.

The judgment is affirmed.

Kriegler, J.

We concur:    Turner, P.J.  
                 Mosk, J.

December 4, 2008 (Continued)

## DIVISION FIVE (continued)

B205701      People                                  (Not for Publication)  
v.  
Steve Esteves

The judgment is affirmed.

Turner, P.J.

We concur:   Armstrong, J.  
                      Kriegler, J.

**DIVISION SIX**

B196860 People (Not for Publication)  
v.  
Beauford

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Yegan, J.

B207813      People      (Not for Publication)  
v.  
Hernandez

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.

DIVISION SEVEN

Court convened at 9:00 a.m.

Present: Perluss, P.J., Woods, J., Zelon, J., Jackson, J. and Eva McClintock, Deputy Clerk.

Each of the following:

B201285 People v. Ekene  
B204856 People v. Morgan  
B207365 DCFS v. Nicole P.  
B208008 DCFS v. Joseph M.

Argument waived, cause submitted.

B207031     Kropfl  
              v.  
              County of Los Angeles

Merits:  
Argued by appellant Kenneth Kropfl in propria persona and by Adrian Gragas, Deputy County Counsel for respondent. Cause submitted.

B206267     Los Angeles County, D.C F S.  
              v.  
              George A.

Merits:  
Argued by Jennifer Mack for appellant and by Denise Hippach, Deputy County Counsel for respondent. Cause submitted.

B196861     People  
              v.  
              Espana

Merits:  
Argued by Jeff Price for appellant and by Michael Keller, Deputy Attorney General for respondent. Cause submitted.



DIVISION SEVEN (continued)

B197957     Tasneem  
              v.  
              Eliat

Merits:

Argued by Kenneth Wenzel for appellant and by Denise Greer for respondent. Cause submitted.

B199508     People  
              v.  
              Stewart

Merits:

Argued by Daniel Koryn for appellant and by Lance Winters, Deputy Attorney General for respondent. Cause submitted.

B202597     People  
              v.  
              Coleman

Merits:

Argued by Patricia Ihara for appellant and by David Madeo, Deputy Attorney General for respondent. Cause submitted.

B195515     People  
              v.  
              De La Cruz

Merits:

Argued by Susan Keiser for appellant and by Robert Breton, Deputy Attorney General for respondent. Cause submitted.

DIVISION SEVEN (continued)

B204751     People  
              v.  
              Inselman

Merits:

Argued by John H. Scott, Deputy Public Defender for appellant and by Eric Cioffi, Deputy City Attorney for respondent. Cause submitted.

B199590     Pharmacie Nouvelle  
              v.  
              A & G Wilshire et al.,

Merits:

Argued by Julia Swanson for appellant and by Paul Heidenreich for respondents. Cause submitted.

B204797     Compulink Managment Center  
              v.  
              St. Paul Fire & Marine Insurance

Merits:

Argued by Robert Olson for appellant and by Yolanda Orozco for respondent. Cause submitted.

B195952     D & M Construction  
              v.  
              City of Los Angeles  
              Washington International

Merits:

Argued by Patrick Duffy for appellant and by Todd Leung, Deputy City Attorney and Sean Osborn for respondents. Cause submitted.

Court recessed.

DIVISION SEVEN (continued)

Court reconvened at 1:30 p.m.

Present: Perluss, P.J., Woods, J., Zelon, J., Jackson, J. and Eva McClintock, Deputy Clerk.

B200808      Albertini v. Kaplan et al.

Argument waived, cause submitted.

B201469      Ayres  
                 v.  
                 Mountain High Holdings

Merits:  
Argued by Sharon Arkin for appellant and by Mark Tokunaga for respondent. Cause submitted.

B201950      Clearihue  
                 v.  
                 City of Los Angeles  
                 Leeds

Merits:  
Argued by George Coleman for appellant and by Nancy Wax, Deputy City Attorney and Robert Walker for respondents. Cause submitted.

B194798      Serrano et al.,  
                 v.  
                 Allenby et al.,

Merits:  
Argued by Laura Streimer for appellants and by John Venegas, Deputy Attorney General for respondents. Cause submitted.

December 4, 2008 (Continued)

## DIVISION SEVEN (continued)

B201509      Ghazaryan  
v.  
Diva Limousine, Ltd.,

Merits:  
Argued by Mark Ozzella for appellant and by David Affeld for respondent.  
Cause submitted.

Court adjourned.

B202059      Massaji  
v.  
Rofeh

Filed order denying petition for rehearing.

## DIVISION EIGHT

B207089 People (Not for Publication)  
v.  
Edwin Acosta

Acosta's arguments are rejected for the reasons explained above. We have also independently reviewed the record on appeal, and are satisfied that Acosta's appointed counsel has fulfilled her duty, and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436; *People v. Kelly* (2006) 40 Cal.4th 106.) The judgment is affirmed.

Bigelow, J.

We concur: Rubin, Acting P.J.  
Flier, J.